

Subsec. (f). Pub. L. 104-106, § 1021(f), added subsec. (f). Former subsec. (f) redesignated (h).

Subsec. (g). Pub. L. 104-106, § 1021(b)(2), redesignated subsec. (d) as (g) and transferred it to appear before subsec. (h), as redesignated.

Subsec. (h). Pub. L. 104-106, § 1021(b)(1), redesignated subsec. (f) as (h).

Subsec. (h)(1). Pub. L. 104-106, § 1021(g), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The term ‘counter-drug activities’ includes the use of National Guard personnel, while not in Federal service, in any law enforcement activities authorized by State and local law and requested by the Governor.”

1992—Subsec. (e)(1). Pub. L. 102-396 inserted “(or during fiscal year 1993 otherwise implementing)” after “administering”.

1991—Subsec. (c)(2). Pub. L. 102-25 substituted “in consultation with the Director of National Drug Control Policy.” for “in consultation with—

“(A) the Attorney General of the United States in the case of a plan submitted for fiscal year 1990; and
“(B) the Director of National Drug Control Policy in the case of a plan submitted for subsequent fiscal years.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 101.

CHAPTER 3—PERSONNEL

- Sec.
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317. Command during joint exercises with Federal troops.
[318 to 321. Repealed.]
322. Discharge of enlisted members.
323. Withdrawal of Federal recognition.
324. Discharge of officers; termination of appointment.
325. Relief from National Guard duty when ordered to active duty.
326. Courts-martial of National Guard not in Federal service: composition, jurisdiction, and procedures.
327. General courts-martial of National Guard not in Federal service.
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329. Summary courts-martial of National Guard not in Federal service.
330. Confinement instead of fine.
331. Dismissal or dishonorable discharge.
332. Compelling attendance of accused and witnesses.
333. Execution of process and sentence.
[334, 335. Repealed.]

AMENDMENTS

1994—Pub. L. 103-337, div. A, title XVI, § 1676(a)(4), Oct. 5, 1994, 108 Stat. 3019, substituted “National Guard

officers:” for “officers: Army National Guard;” in items 309 and 310.

1986—Pub. L. 99-661, div. A, title VI, § 604(f)(2)(B), Nov. 14, 1986, 100 Stat. 3878, struck out item 318 “Compensation for disablement during training”, item 319 “Compensation for disablement during training when not covered by section 318 of this title”, item 320 “Hospitalization: when Secretary may require”, and item 321 “Death gratuity”.

1984—Pub. L. 98-525, title IV, § 414(b)(2)(B), Oct. 19, 1984, 98 Stat. 2519, struck out item 335 “Status of certain members performing full-time duty”.

1983—Pub. L. 98-94, title V, § 504(b)(2), Sept. 24, 1983, 97 Stat. 632, added item 335.

1981—Pub. L. 97-124, § 3, Dec. 29, 1981, 95 Stat. 1666, struck out item 334 “Payment of malpractice liability of National Guard Medical personnel”.

1980—Pub. L. 96-513, title V, § 515(1), Dec. 12, 1980, 94 Stat. 2937, inserted “of officers” after “recognition” in item 307.

1976—Pub. L. 94-464, § 2(c), Oct. 8, 1976, 90 Stat. 1988, added item 334.

1961—Pub. L. 87-378, § 5(2), Oct. 4, 1961, 75 Stat. 808, inserted “, reenlistments, and extensions” in item 302.

1958—Pub. L. 85-861, § 2(8), Sept. 2, 1958, 72 Stat. 1544, added items 309 and 310.

CROSS REFERENCES

Active Federal status, see section 12401 of Title 10, Armed Forces.

Appointments as reserve officers, see section 12201 et seq. of Title 10.

Army National Guard and Air National Guard in Federal service, call, see section 12406 of Title 10.

Army Reserve or Air Force Reserve—

Transfer from Army National Guard of United States or Air National Guard of United States to, see sections 12105, 12213, and 12214 of Title 10.

Transfer to upon withdrawal as member of Army National Guard or Air National Guard, see section 12106 of Title 10.

Basic policy for order of Army National Guard of the United States and Air National Guard of the United States into Federal service, see section 10103 of Title 10.

Pay and allowances generally, see Title 37, Pay and Allowances of the Uniformed Services.

Reserve components: detail of members of regular and reserve components to assist, see section 12501 of Title 10, Armed Forces.

Status when not in Federal service, see sections 10107 and 10113 of Title 10.

Uniform, when wearing by persons not on active duty authorized, see section 772 of Title 10.

§ 301. Federal recognition of enlisted members

To be eligible for Federal recognition as an enlisted member of the National Guard, a person must have the qualifications prescribed by the Secretary concerned for the grade, branch, position, and type of unit or organization involved. He becomes federally recognized upon enlisting in a federally recognized unit or organization of the National Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 601.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
301	50:1113(a) (as applicable to enlisted members).	July 9, 1952, ch. 608, § 703(a) (as applicable to enlisted members), 66 Stat. 502.

CROSS REFERENCES

Withdrawal of Federal recognition, see section 323 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 323, 709 of this title.

§ 302. Enlistments, reenlistments, and extensions

(a) Under regulations to be prescribed by the Secretary concerned, original enlistments in the National Guard may be accepted for—

(1) any specified term, not less than three years, for persons who have not served in an armed force; or

(2) any specified term, not less than one year, for persons who have served in any armed force.

(b) Under regulations to be prescribed by the Secretary concerned, reenlistment in the National Guard may be accepted for any specified period, or, if the person last served in one of the highest five enlisted grades, for an unspecified period.

(c) Enlistments or reenlistments in the National Guard may be extended—

(1) under regulations to be prescribed by the Secretary concerned, at the request of the member, for any period not less than six months; or

(2) by proclamation of the President, if Congress declares an emergency, until six months after termination of that emergency.

(Aug. 10, 1956, ch. 1041, 70A Stat. 601; Oct. 4, 1961, Pub. L. 87-378, §5(1), 75 Stat. 808.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
302	32:124.	June 3, 1916, ch. 134, §69; restated July 11, 1919, ch. 8 (20th par. under "National Guard"); restated June 4, 1920, ch. 227, subch. I, §37; restated June 6, 1924, ch. 275, §4; restated June 15, 1933, ch. 87, §7, 48 Stat. 156; July 9, 1952, ch. 608, §806(a), 66 Stat. 506.

32:124 (1st proviso) is omitted as executed. The word "reenlistments" is substituted for the words "subsequent enlistments".

AMENDMENTS

1961—Pub. L. 87-378 permitted original enlistments for any specified term, not less than three years, for persons who have not served in an armed force, authorized reenlistments for any specified period, or if the person last served in one of the highest five enlisted grades, for an unspecified period, extensions of enlistments or reenlistments at the request of the member for any period not less than six months after termination of the emergency.

EFFECTIVE DATE OF 1961 AMENDMENT

Section 6 of Pub. L. 87-378 provided that: "The amendments made by sections 3, 4, and 5 of this Act [amending this section and sections 3261 and 8261 of Title 10, Armed Forces] shall not affect any enlistment, reenlistment, or appointment entered into or made before the effective date of this Act [Oct. 4, 1961]."

CROSS REFERENCES

Army National Guard of United States and Air National Guard of United States, see section 12107 of Title 10, Armed Forces.

§ 303. Active and inactive enlistments and transfers

(a) Under regulations to be prescribed by the Secretary of the Army, a person qualified for enlistment in the active Army National Guard may be enlisted in the inactive Army National Guard for a single term of one or three years. Under regulations prescribed by the Secretary of the Air Force, a person qualified for enlistment in the active Air National Guard may be enlisted in the inactive Air National Guard for a single term of one or three years.

(b) Under such regulations as the Secretary of the Army may prescribe, an enlisted member of the active Army National Guard, not formerly enlisted in the inactive Army National Guard, may be transferred to the inactive Army National Guard. Under such regulations as the Secretary of the Air Force may prescribe, an enlisted member of the active Air National Guard, not formerly enlisted in the inactive Air National Guard, may be transferred to the inactive Air National Guard. Under such regulations as the Secretary concerned may prescribe, a person enlisted in or transferred to the inactive Army National Guard or the inactive Air National Guard may be transferred to the active Army National Guard or the active Air National Guard, as the case may be.

(c) In time of peace, no enlisted member may be required to serve for a period longer than that for which he enlisted in the active or inactive National Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 601; Sept. 7, 1962, Pub. L. 87-649, §14e(1), 76 Stat. 502; Dec. 12, 1980, Pub. L. 96-513, title V, §515(2), 94 Stat. 2937.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
303(a)	32:132.	June 3, 1916, ch. 134, §78 (1st and 2d sentences); restated June 4, 1920, ch. 227, subch. I, §42 (less provisos); restated Feb. 28, 1925, ch. 371, §2 (1st and 2d sentences); restated June 15, 1933, ch. 87, §15 (1st and 2d sentences), 48 Stat. 159; July 9, 1952, ch. 608, §806(f), 66 Stat. 507.
303(b)	32:133 (less proviso).	June 3, 1916, ch. 134, §110 (1st 30 words of last par.); restated Sept. 22, 1922, ch. 423, §6 (1st 30 words of last par.); restated May 12, 1928, ch. 529 (1st 30 words), 45 Stat. 500.
303(c)	32:154 (1st 26 words of last par.).	
303(d)	32:133 (proviso).	

In subsection (a), 32:132 (last 23 words) is omitted as covered by section 304 of this title.

In subsection (b), the words "Under such regulations as the Secretary may prescribe" are substituted for the word "likewise".

In subsection (c), the words "in the inactive * * * National Guard" are substituted for the words "not on the active list", since there is no active list prescribed for the National Guard.

In subsection (d), the words "under any enlistment" are omitted as surplusage.

AMENDMENTS

1980—Subsecs. (c), (d). Pub. L. 96-513 redesignated subsec. (d) as (c).

1962—Subsec. (c). Pub. L. 87-649 repealed subsec. (c) which provided that a person enlisted in inactive Army